

REMARKS/ARGUMENTS

Claims 21, 23-42 and 49-50 are active. Claims 1-20 and 31-42 have been withdrawn from consideration. Claim 21 has been revised for clarity and to emphasize that it is directed to a protein refolding composition comprising zeolyte. Claim 49 finds support in original claim 21 and both claims 49-50 in claims 21-22 and on page 46, lines 10-11 which indicate that zeolytes are “function activators” in the refolding agents of the invention. Claims 22 and 43-48 have been cancelled to advance prosecution. No new matter has been added.

The Applicants have substantially reiterated their arguments in the response filed July 19, 2007. Favorable consideration of this Supplemental Amendment and allowance of this case are respectfully requested.

Restriction/Election

The Applicants previously elected with traverse Group IV, claims 21-30. According to the Restriction Requirement dated November 17, 2006, Group IV was explicitly described in the Restriction Requirement as being “drawn to **protein refolding agents comprising zeolyte, surfactants, buffer etc (emphasis added)**”.

The Applicants previously elected Group IV on December 18, 2006 reiterating in their election that Group IV was “drawn to protein refolding agents comprising **Zeolyte, surfactants, buffers, etc. (emphasis added)**”.

Even though the Restriction Requirement explicitly includes surfactants, buffers, etc. as elements of the elected protein refolding agents, the Examiner has construed the original Restriction Requirement as excluding protein refolding agents containing additional components besides zeolyte: “Claims requiring a combination of denaturant, surfactant and/or refolding buffer in addition to the refolding agent would be grouped with the protein refolding kit claims”, page 2 of Office Communication. While the Applicants appreciate that

this subsequent interpretation may be based some of the original claim language, it is expressly inconsistent with the Restriction/Lack of Unity Requirement as imposed by the Office and upon which the Applicants relied when they elected Group III.

The Restriction/Lack of Unity Requirement explicitly indicates that the subject matter of Group III is directed to compositions containing ingredients in addition to zeolyte: “The technical feature of Groups III-IV is products (**zeolyte plus other compounds**) and each group involves different products of unique functionality or utility, which do not share the same technical feature (**emphasis added**)”. Furthermore, this requirement does not specifically say why Groups III (kit) and Groups IV are considered to lack corresponding special technical features. For example, there is no statement that Group III is limited to compositions containing only zeolyte, while Group IV is directed to compositions comprising zeolytes, buffers, surfactants, denaturants, etc. There Restriction Requirement does not limit elected Group III to protein refolding agents in which the sole active ingredient is zeolyte (e.g., claim 21 says “comprising zeolyte” not “consisting of zeolyte”), nor does it say that Group IV is limited to compositions containing a zeolyte and other ingredients.

The Applicants do not dispute that the Examiner may lodge a new Restriction/Lack of Unity Requirement. However, he has not done so here and has deprived the Applicants of the opportunity to respond to the new *de facto* requirement. Accordingly, the Applicants respectfully request that the Examiner withdraw the new *de facto* requirement or formally impose it and let the Applicants make an election.

Nevertheless, in an effort to expedite examination, the Applicants have cancelled some claims and revised claim 21 to emphasize that it claims a composition “comprising: zeolyte”. The Applicants respectfully request entry and examination of the present claims directed to protein refolding agents comprising zeolyte.

Objection—Claim 30

Claim 30 was objected to as being in improper multiple dependent form. This objection is now moot.

Rejection—35 U.S.C. §102

Claims 21¹-31 were rejected as being anticipated by Wadlinger et al., U.S. Re. 28,341. This rejection is moot in view of the amendments above. Wadlinger do not disclose an agent comprising the ingredients now recited by Claim 21. Rather, this reissued patent is directed to zeolite beta per se and catalytic compositions containing it, see abstract and col. 1. Compositions are mentioned in cols. 7-8, but do not include the ingredients required by Claim 21. Accordingly, this rejection may now be withdrawn.


¹ Claim 20 was withdrawn from consideration. Claims 21-30 correspond to elected Group IV.

Conclusion

In view of the remarks above and the amendments, the Applicants respectfully submit that this application is now in condition for allowance. An early notification of such is earnestly requested.

Respectfully submitted,

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